THE HON'BLE SMT JUSTICE T.MEENA KUMARI

and

THE HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

WRIT APPEAL NO : 1367 of 2005

Dated : 10.08.2005

Between:

The Depot Manager, A.P.S.R.T.C., Karimnagar-I Depot, Karimnagar.

..... APPELLANT

AND

M.J.R.Reddy, s/o Babireddy, Vidyanagar, karimnagar, Karimnagar District.

.....RESPONDENT

THE HON'BLE SMT JUSTICE T.MEENA KUMARI

and

THE HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

WRIT APPEAL NO : 1367 of 2005

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JUDGMENT: (Per the Hon'ble Smt Justice T.Meena Kumari)

The appellant, call in, questions the legality of the order rendered by a learned single Judge of this Court dated 29.04.2005 in W.P.No.10586 of 2005.

02. The material facts that are beyond any controversy are brief and can be stated thus:

03. The respondent joined in the appellant-Corporation as a driver. On 22.10.1994, he was issued charge memo on the premise that he committed accident on 05.10.1994, for which, he submitted an explanation on 29.03.1995. Being dis-satisfied with the same, the appellant passed the impugned order of deferment of two annual increments with cumulative effect, without conducting any departmental enquiry. Questioning the same, the writ petition has been filed by the respondent.

04. After scrutinizing the entire material on record and having heard the learned counsel on either side, the learned single Judge modified the punishment as deferment of two annual increments without cumulative effect.

05. We have heard the learned counsel appearing on behalf of the parties.

06. Perused the entire material on record and the order impugned.

07. It is perceptible from the record that without conducting any departmental enquiry, the appellant had imposed the major punishment of deferment of two annual increments with cumulative effect. It is well settled law that imposition of major punishment shall be preceded by a regular departmental enquiry.

08. However, the respondent slept over the matter for a period of seven years and approached the Court by way of filing a writ petition. The respondent failed to explain the circumstances as to why he cannot approach the Court immediately after passing the impugned order. Therefore, it shall be presumed that there are no bona fides on the part of the respondent in approaching the Court at a belated stage. But, it can be said that it has been filed as a chance to test the opportunity.

09. Looking to the over all facts of the case and considering the fact that without initiating any departmental enquiry, the punishment has been imposed, we deem it proper to modify the punishment to that of deferment of two annual increments without cumulative effect and without any arrears of increments.

10. With the aforesaid modification, the writ appeal is disposed of. No costs.

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T.MEENA KUMARI, J

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P.LAKSHMANA REDDY, J

10.08.2005

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